

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**CONSOLIDATION COAL COMPANY,** )

Plaintiff, )

v. )

**UNITED STATES DEPARTMENT** )  
**OF THE INTERIOR, NATIONAL** )  
**PARK SERVICE,** )

and )

**CAROL D. SCHULL, individually and** )  
**in her capacity as Keeper of the National** )  
**Register of Historic Places,** )

and )

**ROY and DIANE BRENDDEL,** )

Defendants. )

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**ROY BRENDDEL and DIANE** )  
**BRENDDEL,** )

Third Party Plaintiffs, )

v. )

**CONSOLIDATION COAL COMPANY,** )  
**NORTHERN WEST VIRGINIA** )  
**REGION, a Delaware corporation** )  
**with a principal place of business in** )  
**West Virginia,** )

and )

**DARREL D. AUCH, individually and** )  
**in his official capacity as Senior Vice** )  
**President for Mining, Consolidation** )  
**Coal Company, Northern West Virginia** )  
**Region, Morgantown, West Virginia,** )

and )

**SHEIRL FLETCHER, individually and** )  
**in his official capacity as Certified** )  
**Professional Geologist, Consolidation** )  
**Coal Company, Northern West Virginia** )  
**Region, Morgantown, West Virginia,** )

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and )  
)  
**CONSOL ENERGY, a Delaware** )  
**Corporation,** )  
)  
and )  
)  
**THOMAS F. HOFFMAN, individually** )  
**and in his official capacity as Vice** )  
**President, Investor and Public Relations,** )  
**CONSOL Energy,** )  
)  
and )  
)  
**UNITED STATES DEPARTMENT** )  
**OF THE INTERIOR, OFFICE OF** )  
**SURFACE MINING RECLAMATION** )  
**AND ENFORCEMENT,** )  
)  
and )  
)  
**PENNSYLVANIA DEPARTMENT** )  
**OF ENVIRONMENTAL** )  
**PROTECTION,** )  
)  
Third Party Defendants. )

**CONCILIATION CONFERENCE**  
**Before Judge David Stewart Cercone**

Appear for Plaintiff: Joseph A. Katarincic , Esquire; Lauren D. Rushak, Esquire  
Thomas C. Reed, Esquire

Appear for Defendant USA: Albert W. Schollaert AUSA; Rebecca Ross Haywood, AUSA;  
Ruth Ann Storey, DOJ

Appear for Brendels: David C. Hook , Esquire; Michael V. Nixon, Esquire

Hearing date: 5/17/06  
Hearing begun: 11:00 a.m.  
Hearing concluded: 4:00 p.m.  
Stenographer: None  
Clerk/Deputy Clerk: Mark W. Mohnhey

REMARKS: The court met with counsel to explore avenues for amicable resolution of the parties' dispute. The parties were able to reach a settlement, the material terms of which were disclosed to the court. Counsel consented to a statistical closing.